

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:12-CT-3142-D


KENNETH ROY LAGONIA,)
)
Plaintiff,)
)
v.)
)
UNITED STATES OF AMERICA,)
FEDERAL BUREAU OF PRISONS,)
)
Defendants.)

ORDER

On July 13, 2012, Kenneth Roy Lagonia ("Lagonia" or "plaintiff"), a federal inmate, filed this action seeking relief pursuant to the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 2671–2680 [D.E. 1]. On July 23, 2012, Lagonia filed a motion for issuance of summons [D.E. 7]. On July 26, 2012, the court reviewed the action pursuant to 28 U.S.C. § 1915A and dismissed plaintiff's request for punitive damages [D.E. 8]. On September 18, 2012, defendants filed a motion to dismiss for lack of jurisdiction [D.E. 12]. On December 5, 2012, the parties filed a joint stipulation of dismissal, seeking dismissal without prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) [D.E. 19].

After weighing all relevant factors, the court GRANTS the parties' stipulation of dismissal without prejudice [D.E. 19], and DISMISSES this action WITHOUT PREJUDICE. The court DENIES AS MOOT the pending motions [D.E. 7, 12]. The clerk shall close the case.

SO ORDERED. This 11 day of December 2012.


JAMES C. DEVER III
Chief United States District Judge